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(Nelson)

21 How. 397

SUPREME COURT OF THE UNITED STATES.

No. ~~210~~ 192.

JOHN L. HODGE, Adm'r of ANDREW HODGE, Dec'd, WILLIAM L. HODGE and JAMES LOVE, Appellants,

vs.

LESLIE COMBS.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE DISTRICT OF COLUMBIA.

GIDEON, Printer.

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SUPREME COURT OF THE UNITED STATES.

No. 213.

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vs.

LESLIE COMBS.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE DISTRICT OF COLUMBIA.

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(Style of the Court.)

District of Columbia, to wit:—

At a Circuit Court of the District of Columbia, begun and held in and for the county of Washington, at the city of Washington, on the first Monday of May, being the seventh of the same month, in the year of our Lord one thousand eight hundred and sixty, and of the Independence of the United States the eighty-fourth.

May Term, 1860.

Present: The Honorable James Dunlap, Chief Judge; James S. Morsell, and Wm. M. Merrick, Assistant Judges.

WILLIAM SELDEN, Marshal.
JOHN A. SMITH, Clerk.

In the records of proceedings of the same court, among others are the following, to wit:—

(Parties.)

LESLIE COMBS
agst.
J. L. HODGE, adm'r of ANDREW HODGE, dec'd, WM. L. HODGE and JAS. LOVE.

Be it remembered, that heretofore, to wit, on the 16th of April, 1856, the said complainant, by Joseph H. Bradley, Esquire, his solicitor, filed in court here the following bill of complaint and exhibits against the said defendants.

(Bill of Complaint.)

To the Honorable James Dunlop, Jos. Morsell and Wm. M. Merrick, Judges of the Court of the United States for the District of Columbia, on the equity side of the court.

The bill of complaint of Leslie Combs, of Kentucky, respectfully showeth unto your honors, that in the year 1838–39 your orator being desirous of making investments in the government securities of the then Republic of Texas, employed one James Love, in the city of Galveston, in said republic, to purchase said securities. No formal written contract was entered into, but your orator was to furnish the said Love with money to purchase government debts or securities for your orator, which securities were by said Love, as agent of your orator, to be funded as part of the consolidated debt of the Republic of Texas, in pursuance of the act of the Congress of the said Republic, but the certificates to issue in the name of your orator. For his services, the said Love was to receive a commission of ten per cent. on the money advanced. In pursuance of this agreement, your orator advanced to the said Love a large amount of money, and the said Love purchased for him evidences of the debt of the Republic of Texas, amounting to $59,000, or thereabouts, which

was in pursuance of the laws of Texas, funded in the name of your orator, on the 19th day of April, 1839. For the sums so invested there issued to your orator certificates of the stock of the Republic of Texas, which certificates bear date, some on the 18th day and some on the 19th day of April, 1839, and are signed by Jackson Smith, Stock Commissioner, and countersigned by James B. Shaw, Comptroller, and are numbered and purport to be for the values following, viz: No. 5217, value $5000; 5218 for $5000, 5219 for $5000, 5220 for $5000, 5221 for $5000, 5222 for $5000, 5223 for $5000, 5224 for $5000, 5227 for $1000, 5228 for $1000, 5229 for $1000 5230 for $1000, 5231 for $5000, 5215 for $5000, 5210 for $5000, making in all fifteen certificates of the aggregate value of $59,000, fifty-nine thousand dollars.

The said certificates were delivered by said Love to your orator, who placed them temporarily with Doct. Ritchie, of New Orleans, for safe keeping in the year 1840, expectations having been excited that a loan for the benefit of the republic of Texas would be negotiated in Europe, and in that event it was expected these certificates would be paid in part and renewed for the residue. With a view to receive such expected payment he directed Dr. Ritchie to forward his bonds or certificates above named to the said James Love. On the 24th day of February, the said Love wrote to your orator that he had received from Dr. Ritchie $59,000 in Texas bonds, and says, "which, with $9,500 I had in my hands before of yours shall be arranged in the manner you point out and deposited in the Merchants' Bank of New Orleans subject to your order."

He further says, "I have also in my hands six thousand dollars in the promissory notes of the Government, which will be funded or invested in stock as may be best for your interest as well as the interest accruing on the first of March next, which is five per cent. on the whole amount of the bonds. All this is exclusive of my commission, which you have paid."

Your orator herewith exhibits this letter marked (A), and prays it may be taken and read as part of this bill.

From it, it appears that the said Love had on hand the $59,000 and other stock of Texas, amounting to $9,500. Out of the means of your orator in his hands the said Love invested the further sum of $700, making the investments of your orator made through the agency of said Love amount in all to the sum of $69,200. Your orator files herewith (marked B) a certificate of James B. Shaw, Comptroller of Texas, which shows the amount of stock standing in his name on the books of the stock of Texas was $69,200, which exhibit (B) he prays may be taken and read as part of this bill. The six thousand dollars in promissory notes of Texas, and the interest collected by said Love in the Texan securities of your orator subject to a credit for some small sums, stand as a debt from said Love to be adjusted between him and your orator, but not intended to be involved in this suit.

Your orator further states and charges, that his only purpose in placing these bonds or certificates of stock in the hands of the said Love was to enable him to receive the payments soon expected to be made on them by the republic of Texas, as before stated, and to exchange the residue on the books of the State of Texas for other certificates of the debts of that republic, as suggested by said Love. He avers and charges that he gave the said Love no authority or power to sell and dispose of said stock or any part thereof, or to use the same in any other way than to receive for your orator's use such money as might be paid and such new stock as might be issued in the redemption of the same. He further says, that by the law of the republic of Texas, and by the express provision on the face of the bond or certificate, the same was transferable only by your orator or his legal attorney on the books of the stock commissioner.

He avers that according to his recollection he never did execute a power of attorney to the said Love or transfer the said certificates of stock or any of them, nor has he ever himself transferred the said certificates or any of them, certainly he never intended to give him any power to sell or transfer them, and calls for the production of said power if it ever existed. He further shows that he did endorse his name on each of the said certificates for the sole purpose of enabling the said Love to receive payment from the republic of Texas, as is above stated. He further shows that the efforts of the republic of Texas to negotiate a loan in Europe failed, and the bonds could not be redeemed, as was hoped. The object for which these certificates had been deposited with the said Love having failed, your orator called on him to return all his certificates; Love did return to your orator all his certificates except two, viz: one No. 5219 for $5000, the other 5229 for $1000. All the other original bonds or certificates in your orator's possession have been surrendered to the State of Texas, and new certificates issued to him under the provision of the act of the Legislature of Texas, passed 31st day of January, 1852, commonly called the scaling law. Copies of the bonds or certificates are herewith exhibited in document marked (C), and are prayed to be taken and read as part of this bill.

Your orator believes and charges that the said Love parted with the possession of the said certificates Nos. 5219 and 5229, for his own benefit, and not for your orator's use or benefit, but in violation of his duties and powers as agent. He further avers that said Love had no authority to transfer said certificates, or sell, or pass them away to any person except as your orator may have ordered for safe keeping, it never being the design of your orator to sell the same. In what way, to what person, and under what circumstances the said certificates were attempted to be passed away by the said Love, your orator was not informed until recently. He avers that the transaction was without his knowledge or consent, and he denies that he ever sanctioned the attempted transfer, or that it can in any way affect his rights.

For nearly fifteen years he has been inquiring for said certificates, but until very recently he has not been able to ascertain exactly in whose possession they were. Your orator herewith exhibits letters from said Love, dated May 22, 1842, No. F.; July 4th, 1842, No. G; December 10th, 1852; Sept. 21, 1840, No. C.; February 17th, 1842, No. E.; February 10th, 1844, No. H.; which show that the transaction was wrongful, and that various abortive efforts were made by the said Love to procure the assent of your orator to make a disposition of said certificates, or to receive others in lieu of them, and show that information as to the persons to whom the bonds were attempted to be passed, entirely withheld them from him. He immediately and repeatedly gave proper notices to the officers of the government of Texas of the loss of his two said certificates and presented his claim to them, so as to prevent their transfer to any other persons; but he believes the certificates never were presented for transfer by any other person. He further shows that the persons into whose possession the said certificates of debt came, have kept him in ignorance of their claim and possession, except that in the year 1845, or thereabout, some person in New Orleans, through Messrs. Foremen, Kennedy & Co., requested from your orator a power of attorney to transfer this stock. Your orator wrote to Foremen, Kennedy & Co. in reply, claiming the certificates as his own property, and refusing to transfer them, unless paid for them.

Some time thereafter your orator, believing that his two missing certificates were in the possession of Wm. L. Hodge, of the city of Washington, D. C., employed Joseph H. Bradley, Esquire, of said city, as counsel, to institute proceedings for their recovery. Mr. Bradley asked permission, before he instituted proceedings, to communicate with Mr. Hodge. Your orator consented. Mr. Bradley wrote to Mr. Hodge and received from him, in reply, a letter dated 8th March, 1853, which is herewith exhibited and marked D. and prayed to be taken and had as a part of this bill. From this letter it appears that Wm. L. Hodge denies all interest in the certificates; and denies he has possession or control of them, but does not disclose who has. Your orator, confiding in the truth of Mr. Hodge's representation, and inferring from his letter that he did not wish to disclose the name of the holder, did not then sue him. In the month of January, 1856, your orator was in the city of New Orleans, and was then for the first time informed that a suit had existed in that city in relation to one of his certificates of stock between Josiah Lee and the said Wm. L. Hodge. A copy of the record of this suit is herewith exhibited marked (E), and prayed to be taken and read as part of this bill. From it, it appears that on the 6th February, 1846, W. L. Hodge had sold the $5000 bond, No. 5219, to Josiah Lee; that he then promised to have it properly conveyed; that he alleged Love had a power of attorney from your orator and authority to convey. It further appears, that the said W. L. Hodge sold the stock as his own, and did not pretend in his answer that he made

the sale for and on account of any other person. It further appears that judgment was signed against W. L. Hodge personally for the sum of money paid him for the said stock by the said J. Lee; and that on the 31st January, 1850, the said W. L. Hodge received the said stock from the court. What the said Hodge did with the said stock after he recovered it and where he kept it, your orator does not know; and how Hodge can reconcile the facts established by this record with his denial in 1853, that he had not then or ever had any pecuniary or other interest in said certificate of stock, your orator does not know. The letter of said Hodge seems to have been written to deceive and mislead your orator, and to prevent him from taking proper steps to take the said certificates out of the possession of said Hodge or his vendor or agent. Your orator further shows, that, by recent legislation of Congress and the State of Texas, the said bonds are now payable at the treasury of the United States, and that the said W. L. Hodge has produced the said certificates of stock and filed them in the name of one Andrew Hodge, of New Orleans, with the Secretary of Treasury of the U. S.; and is seeking to obtain payment of them. Your orator further shows that, not being able to discover the holder of these certificates, he applied to the legislature of Texas to relieve him, and that legislature passed an act for his relief, herewith exhibited, marked No. 4, which authorizes his whole demand to be settled, including the last certificates. But when his claim was presented for settlement, the auditing officers did not settle his last certificates which he was unable to produce, owing to the causes hereinbefore fully stated. Your orator claims the said certificates, because they are his property; that he never in any way authorized the transfer of the same; that no legal transfer has ever been made of them, and he charges that the present holders have always been aware there was no legal transfer. Your orator has never received anything for said certificates, has never in any way sanctioned their transfer or done any act to give right to the holders.

In consideration of the premises, your orator prays the interposition of your honors, that said James Love, of Texas, now in the city of Washington, Andrew Hodge, of New Orleans, and Wm. L. Hodge, of Washington, D. C., may be made defendants to this bill, and required to answer it on oath, and more especially that said Love may disclose all the particulars connected with his attempted alienation of said stock, to whom it was made, when, and the consideration therefor. That the said Andrew Hodge, W. L. Hodge, may severally on oath disclose how they came to possession of said bonds, from whom, and when; what consideration they paid, if any. Whether they, or either of them, claim *to* said bonds in their own right, if so, what interest each has, and when acquired? If any other person is interested in them, who is that person, and to what extent interested? When said W. L. Hodge sold one of said certificates to J. Lee in Feb'y 1846, was it on his own account or as agent for another person, and who that person was? When said W. L. Hodge re-

ceived said certificate for $5000 in January, 1850, from the clerk's office in New Orleans, under the order of Jacob Barker, Esquire, attorney for Lee, was it on his own account or as agent of some one else? If on his own account, when, how, and for what price did he sell the same? If on account of any other person, what is the name of that person, and why does not his name appear in the case, and what was his interest, and when acquired? And your orator prays your honors will enjoin said Andrew Hodge and W. L. Hodge and all other persons claiming in any way, from receiving any money at the treasury of the United States or elsewhere, for or on account of said bonds or certificates of stock, that the said bonds or certificates may be surrendered to your orator as the only true owner, and will your honors make a decree authorizing him to receive or control the same for his own use, and grant such other and further relief as may be equitable and just, and as to your honors shall seem meet, and he will ever pray, &c.

LESLIE COMBS,
By BAXTER & BRADLEY, Solicitors.

On this 16th April, 1856, personally appears Leslie Combs in open court, and makes oath that the facts as stated in the aforegoing bill, of his own knowledge, are true, and those stated on the information of others he believes to be true.

Test, JNO. A. SMITH, Clk.

(Exhibit A.)

Exhibit A referred to in complainant's bill.

Galveston, 1840.

Dear sir: I have received of Dr. Ritchie $59,000 in Texan bonds, which, together with $9500 I had in my hands before of yours, shall be arranged in the manner you point out, and be deposited in the Merchants' Bank of N. O., subject to your order. I have also in my hands six thousand dollars in the promissory notes of the government which will be funded or invested in stock as may be best for your interest, as well as the interest accruing on the first of March next, which is five per cent. on the whole amount of bonds. All this is exclusive of my commission which you have paid.

To the interrogatories you have propounded, I answer:—

1st. If the loan is effected, of which I have doubt, the interest will be paid in the U. S., most probably in N. Y., as by the contract with the commissioners the money is to be paid to our government there. It is, therefore, less expensive to pay in the U. S. than in Texas. The bonds you know are payable 1st Sept., 1842. Should the loan be made the proposition will be made by the government to the holders to take half the amount of bonds now, and refund the balance at 20 years at a reduced rate of interest. They will then have the election to do so or to receive interest semi-annually, and

take their chances of full payment in 1842. I would advise the former. When I speak to you on this, or any other subject connected with our affairs, it is with the understanding that you are apprised of the sources of information I have, and the knowledge I have of the affairs of Texas as well foreign as domestic.

2d. There is in circulation one million eight hundred thousand dollars in the promissory notes of the government, one-half due the other at uncertain periods up to 1st January, 1841. There has been funded $850,000, $230,000 of audited claims of old dates not yet presented for payment or to be funded. The amount of bonds given for the purchase of vessels of war $500,000, for the loan last summer $350,000, which makes of debt ascertained $3,730,000. Add $270,000 for contingencies, it makes a total of four millions, which is all the debt we owe direct or indirect. To meet this debt we have $500,000 of revenue from customs; this sum will be increased the present year, as the duties have been increased to 15 per cent. ad valorem on everything but spirits, which is specific and much higher. I cannot say precisely what the revenue will be from the land tax; the last Congress fixed the tax at one per cent., making the minimum price of lands one dollar, the maximum two. I would suppose the amount would be at least $750,000. This high tax was assessed because our currency is so depreciated, it was thought advisable to make some regulation to take it out of circulation as soon as possible, this and the duties being the only means in their power. There is due the government nearly a million of balances on lands, averageing upwards of $100 the league; the greater portion of this sum will be paid the present year, because the titles cannot issue until it is paid, and all are anxious to have their titles. From all these lands the circulation will be redeemed the present *sent* year. I say nothing of the expected income from public lands, because I do not believe we will the present year realize anything from that source. The law of Congress this present session directing the sectionizing the sale of the Cherokee County, will alone, so soon as it can be done, be sufficient to pay all debts. The expenses of the civil list is $260,000, that of the army and navy depends on circumstances. I have explained to you before, why that of the navy will be nominal, as well as that of the army, except in defence of the frontier against the Indians whom we have defeated in every encounter, and driven back every day until they now sue for peace as the only preventive of extermination. You will see that, whether we succeed in the loan or not, our affairs are in a sound state. With the loan we will be too rich; add to this the universal feeling on the part of our people to preserve the public faith, the competency and integrity of our public officers, the increasing prosperity of our country, the rapid development of our agricultural resources, the extension of our commerce, the attention we are attracting in Europe, are all signs of our future happiness and prosperity. The recognition by England and peace with Mexico, both of which I believe will take place the present year,

leaves us nothing to ask for. For the first Gen'rl Hamilton assured me he had the promise of Lord Palmerston; for the second I have before given you the reasons for my opinion. Having made this investment for you, and having now no interest in it, I can speak to you as an old friend of by-gone days. Do not sacrifice it. If you are obliged to sell at a sacrifice, let me make the sale, I can do it better than you. It is worth par, because our commissioners are not authorized to take less than par for ten per cent. bonds, and neither bankers nor capitalist in Europe or America has asked them to take less. In the mean time, should any contingency arise that would in my opinion make them unsafe, I will, without delay, inform you.

I am your friend,

JAS. LOVE.

(Exhibit B.)

Exhibit B.

State of Texas, Comptroller's Office,
Austin, January 11th, 1848.

I, the undersigned Comptroller of Public Accounts, &c., for the State of Texas, do hereby certify that James Love has transferred on the books of this office to Leslie Combs, on the 19th day of April, 1839, the sum of fifty thousand dollars of the stock of the consolidated fund of the late Republic of Texas, and a further sum of ten thousand dollars of the stock of same fund on the 29th day of January; and also that the said Combs funded the sum of nine thousand two hundred dollars on the 18th of April, 1839: making in all the sum of sixty-nine thousand two hundred dollars, which now stands on the books of this office to the credit of said Combs.

In testimony whereof I hereunto set my hand and seal of office the date above written.

JAMES B. SHAW, Comptroller.

(Exhibit C. No. 5217.)

Exhibit C. No. 5217.

Exhibit C.

1. No. 5217. Consolidated Fund of Texas. $5,000

The government of Texas acknowledges to owe to Leslie Combs fifty shares of the sum of one hundred dollars each, amounting to five thousand dollars, in the consolidated fund of Texas created by the authority of an act of Congress, entitled "An act to authorize the consolidation and funding the public debt," approved the 7th day of June, 1837, redeemable at the convenience of the government at any time after the first day of September, one thousand eight hundred and forty-two, and bearing an interest at the rate of ten per centum per annum from the first day of March, 1839, payable on the first day of September next, and semi-annually thereafter,

upon the presentation of this certificate and the corresponding dividend warrant hereto attached. For the payment and redemption of this stock the public faith is hereby pledged, and so much of the revenue arising from imposts and direct taxation as may be necessary is appropriated and hereby set apart for the payment of the interest. This certificate is transferable by the said Leslie Combs or his legal attorney or representative on the books of the stock commissioner only.

In testimony whereof the Stock Commissioner has hereunto set his hand at the city of Houston, this nineteenth day of April, 1839, and the same is duly countersigned by the comptroller.

JACKSON SMITH, Stock Commissioner.
JOHN B. SHAW, Acting Comptroller.

(Certificate No. 5218.)

Certificate No. 5218.

2. No. 5218. Consolidated Fund of Texas. $5,000

The government of Texas acknowledges to owe to Leslie Combs fifty shares of the sum of one hundred dollars each, amounting to five *five* thousand dollars, in the consolidated fund of Texas created by the authority of an act of Congress, entitled "An act to authorize the consolidation and funding the public debt," approved the 7th day of June, 1837, redeemable at the convenience of the government at any time after the first day of September, one thousand eight hundred and forty-two, and bearing an interest at the rate of ten per centum per annum from the first day of March, 1839, payable on the first day of September next, and semi-annually thereafter, upon the presentation of this certificate and the corresponding dividend warrant hereto attached. For the payment and redemption of this stock the public faith is hereby pledged, and so much of the revenue arising from imposts and direct taxation as may be necessary is appropriated and hereby set apart for the payment of the interest. This certificate is transferable by the said Leslie Combs, legal attorney or representative, on the books of the stock commissioner only.

In testimony whereof the stock commissioner has hereunto set his hand, at the city of Houston, this nineteenth day of April, 1839, and the same is duly countersigned by the comptroller.

JACKSON SMITH, Stock Commissioner.
JAMES B. SHAW, Acting Comptroller.

(Certificate No. 5220.)

Certificate No. 5220.

3. No. 5220. Consolidated Fund of Texas. $5,000

The government of Texas acknowledge to owe to Leslie Combs fifty shares of the sum of one hundred dollars each, amounting to

five thousand dollars, in the consolidated fund of Texas created by the authority of an act of Congress, entitled "An act to authorize the consolidation and funding the public debt," approved the 7th day of June, 1837, redeemable at the convenience of the government at any time after the first day of September, one thousand eight hundred and forty-two, and bearing an interest at the rate of ten per centum per annum from the first day of March, 1839, payable on the first day of September next, and semi-annually thereafter upon the presentation of this certificate and corresponding dividend warrant hereto attached. For the payment and redemption of this stock the public faith is hereby pledged, and so much of the revenue arising from imposts and direct taxation as may be necessary is appropriated and hereby set apart for the payment of the interest. This certificate is transferable by the said Leslie Combs, or his legal attorney or representative, on the books of the stock commissioner only.

In testimony whereof the stock commissioner has hereunto set his hand at the city of Houston, this nineteenth day of April, 1839, and the same is duly countersigned by the comptroller.

JACKSON SMITH, Stock Commissioner.
JAMES B. SHAW, Acting Comptroller.

(Certificate No. 5,221.)

Certificate No. 5,221.

4. No. 5,220. Consolidated Fund of Texas. $5,000.

The government of Texas acknowledge to owe to Leslie Combs fifty shares, of the sum of one hundred dollars each, amounting to five thousand dollars, in the consolidated fund of Texas, created by the authority of an act of Congress entitled, "An act to authorize the consolidation and funding the public debt," approved the 7th day of June, 1837, redeemable at the convenience of the government at any time after the first day of September, one thousand eight hundred and forty-two, and bearing an interest at the rate of ten per centum per annum from the first day of March, 1839, payable on the 1st day of September next, and semi annually thereafter, upon the presentation of this certificate and the corresponding dividend warrant hereto attached.

For the payment and redemption of this stock the public faith is hereby pledged, and so much of the revenue arising from imposts and direct taxation as may be necessary is appropriated and hereby set apart for the payment of the interest. This certificate is transferable by the said Leslie Combs, or his legal attorney or representative, on the books of the stock commissioner only.

In testimony whereof the stock commissioner has hereunto set

his hand at the city of Houston, this nineteenth day of April, 18 , and the same is duly countersigned by the comptroller.

JACKSON SMITH, Stock Commissioner.
JAMES B. SHAW, Acting Comptroller.

(Certificate No. 5,223.)

No. 5,223.

5. No. 5,223. Consolidated Fund of Texas. $5,000.

The government of Texas acknowledges to Leslie Combs fifty shares, of the sum of one hundred dollars each, amounting to five thousand dollars, in the consolidated fund, created by the authority of an act of Congress entitled, "An act to authorize the consolidation and funding the public debt," approved the 7th day of June, 1839, redeemable at the convenience of the government at any time after the first day of September, one thousand eight hundred and forty-two, and bearing an interest at the rate of ten per centum per annum from the first day of March, 1839, payable on the first day of September next, and semi-annually thereafter upon the presentation of this certificate and the corresponding dividend warrant hereto attached. For the payment and the redemption of this stock the public faith is hereby pledged, and so much of the revenue arising from imposts and direct taxation as may be necessary is appropriated and hereby set apart for the payment of the interest.

This certificate is transferable by the said Leslie Combs, or his legal attorney or representative, on the books of the stock commissioner only.

In testimony whereof the stock commissioner has hereunto set his hand at the city of Houston, this nineteenth day of April, 1839, and the same is duly countersigned by the comptroller.

JACKSON SMITH, Stock Commissioner.
JAMES B. SHAW, Acting Comptroller.

(Certificate No. 5,224.)

No. 5,224.

6. No. 5,224. Consolidated Fund of Texas. $5,000.

The government of Texas acknowledges to owe to Leslie Combs fifty shares, of the sum of one hundred dollars each, amounting to five thousand dollars of the consolidated fund of Texas, created by the authority of an act of the Congress, entitled "An act to authorize the consolidation and funding the public debt," approved the 7th day of June, 1837, redeemable at the convenience of the government at any time after the first day of September, one thousand eight hundred and forty-two, and bearing an interest at the rate of

ten per centum per annum, from the first day of March, 1839, payable on the first day of September next, and semi-annually thereafter, upon the presentation of this certificate and the corresponding dividend warrant thereto attached. For the payment and redemption of this stock the public faith is hereby pledged, and so much revenue arising from imposts and direct taxation as may be necessary is appropriated and hereby set apart for the payment of the interest. This certificate is transferable by the said Leslie Combs, or his legal attorney or representative, on the books of the stock commissioner only.

In testimony whereof the stock commissioner has hereunto set his hand at the city of Houston, this nineteenth day of April, 1839, and the same day is duly countersigned by the comptroller.

JACKSON SMITH, Stock Commissioner.
JAMES B. SHAW, Acting Comptroller.

(Certificate No. 5,222.)

No. 5,222.

7. No. 5,222. Consolidation Fund of Texas. $5,000.

The government of Texas acknowledges to owe to Leslie Combs fifty shares, of one hundred dollars each, in the consolidated fund of Texas, created by the authority of Congress, entitled "An act to authorize the consolidation and funding the public debt," approved the 7th day of June, 1837, redeemable at the convenience of the government at any time after the first day of September, one thousand eight hundred and forty-two, and bearing an interest at the rate of ten per centum per annum, from the first day of March, 1839, payable on the first day of September next, and semi-annually thereafter, upon the presentation of this certificate and the corresponding dividend warrant hereto attached. For the payment and redemption of this stock the public faith is hereby pledged, and so much of the revenue arising from imposts and direct taxation as may be necessary is appropriated and hereby set apart for the payment of the interest. This certificate is transferable by the said Leslie Combs, his legal attorney or representative, on the books of the stock commissioner only.

In testimony whereof the stock commissioner has hereunto set his hand at the city of Houston, this nineteenth day of April, 1839, and the same is duly countersigned by the comptroller.

JACKSON SMITH, Stock Commissioner.
JAMES B. SHAW, Acting Comptroller.

(Certificate No. 5227.)

No. 5227.

8. No. 5224. Consolidated Fund of Texas. $1000.

The government of Texas acknowledges to owe to Leslie Combs ten shares of the sum of one hundred dollars, amounting to one thousand dollars, in the Consolidated Fund of Texas, created by the authority of an act Congress, entitled An act to authorize the consolidation and funding the public dubt, approved the 7th day of June, 1837, redeemable at the convenience of the government at any time after the first day of September, one thousand eight hundred and forty-two, and bearing an interest at the rate of ten per centum per annum from the first day of March, 1839, payable on the first day of September next, and semi-annually thereafter upon the presentation of this certificate and the corresponding dividend warrant thereto attached. For the payment and redemption of this stock the public faith is hereby pledged, and so much of the revenue arising from imposts and direct taxation as may be necessary is appropriated and hereby set apart for the payment of the interest. This certificate is transferable by the said Leslie Combs, his legal attorney or representative, on the books of the stock commissioner only.

In testimony whereof the stock commissioner has hereunto set his hand at the city of Houston, this nineteenth day of April, 1839, and the same is duly countersigned by the comptroller.

JACKSON SMITH, Stock Commissioner.
JAMES B. SHAW, Acting Comptroller.

(Certificate No. 5228.)

No. 5228.

9. No. 5228. Consolidated Fund of Texas. $1000.

The government of Texas acknowledge to owe to Leslie Combs ten shares of the sum of one hundred dollars each, amounting to one thousand dollars, in the Consolidated Fund of Texas, created by the authority of an act of Congress, entitled An act to authorize the consolidation and funding the public debt, approved the 7th day of June, 1837, redeemable at the convenience of the government at any time after the first day of September, one thousand eight hundred and forty two, and bearing an interest at the rate of ten per centum per annum from the first day of March, 1839, payable on the first day of September next and semi-annually thereafter, upon the presentation of this certificate and the corresponding dividend warrant hereto attached. For the payment and redemption of this stock the public faith is hereby pledged, and so much of the revenue arising from imposts and direct taxation as may be necessary is appropriated and hereby set apart for the payment of the interest. This certificate is transferable by the said Leslie Combs, his legal

attorney or representative, on the books of the stock commissioner only.

In testimony whereof the stock commissioner has hereunto set his hand at the city of Houston, this nineteenth day of April, 1839, and the same is duly countersigned by the comptroller.

JACKSON SMITH, Stock Commissioner.
JAMES B. SHAW, Acting Comptroller.

(Certificate No. 5230.)

No. 5230.

10. No. 5230. Consolidated Fund of Texas. $1000.

The government of Texas acknowledges to owe to Leslie Combs ten shares of the sum of one hundred dollars each, amounting to one thousand dollars, in the Consolidated Fund of Texas, created by the authority of an act of Congress, entitled An act to authorize the consolidation and funding the public debt, approved the 7th day of June, 1837, redeemable at the convenience of the government at any time after the 1st day of September, one thousand eight hundred and forty-two, and bearing an interest at the rate of ten per centum per annum from the 1st day of March, 1839, payable on the first day of September next and semi-annually thereafter, upon the presentation of this certificate and the corresponding dividend warrant hereto attached. For the payment and redemption of this stock the public faith is hereby pledged, and so much of the revenue arising from imposts and direct taxation as may be necessary is appropriated and hereby set apart for the payment of the interest. This certificate is transferable by the said Leslie Combs, his legal attorney or representative, on the books of the stock commissioner only.

In testimony whereof the stock commissioner has hereunto set his hand at the city of Houston, this nineteenth day of April, 1839, and the same is duly countersigned by the comptroller.

JACKSON SMITH, Stock Commissioner.
JAMES B. SHAW, Acting Comptroller.

(Certificate No. 5231.)

No. 5231.

11. No. 5231. Consolidated Fund of Texas. $5000.

The government of Texas acknowledges to owe Leslie Combs fifty shares of the sum of one hundred dollars each, amounting to five thousand dollars, in the Consolidated Fund of Texas, created by the authority of an act of Congress, entitled An act to authorize the consolidation of the public debt, approved the 7th day of June, 1837, redeemable at the convenience of the government at any time after the first day of September, one thousand eight hundred and forty-two, and bearing an interest of ten per centum per annum from the first day of March, 1839, payable on the first day of September

next, and semi-annually thereafter, on the presentation of this certificate and the corresponding dividend hereto attached. For the payment and redemption of this stock the public faith is hereby pledged, and so much of the revenue arising from imposts and direct taxation as may be necessary is appropriated, and hereby set apart for the payment of the interest. This certificate is transferable by the said Leslie Combs, his legal attorney or representative, on the books of the stock commissioner only.

In testimony whereof the stock commissioner has hereunto set his hand at the city of Houston, this nineteenth of April, 1839, and the same is duly countersigned by the comptroller.

JACKSON SMITH, Stock Commissioner.
JAMES B. SHAW, Acting Comptroller.

(Certificate No. 5215.)

No. 5215.

12. No. 5215. Consolidated Fund of Texas. $5000.

The government of Texas acknowledge to owe Leslie Combs fifty shares of the sum of one hundred dollars each, amounting to five thousand dollars, in the consolidated fund of Texas, created by the authority of an act of Congress, entitled An act to authorize the consolidation and funding the public debt, approved the 7th day of June, 1837, redeemable at the convenience of the government at any time after the first day of September, one thousand eight hundred and forty-two, and bearing an interest at the rate of ten per centum per annum from the first day of March, 1839, payable on the first day of September next, and semi-annually thereafter, upon the presentation of this certificate and the corresponding dividend warrant hereto attached. For the payment and redemption of this stock the public faith is hereby pledged, and so much of the revenue arising from imposts and direct taxation as may be necessary, is appropriated and hereby set apart for the payment of the interest. This certificate is transferable by the said legal attorney or representative, on the books of the stock commissioner only.

In testimony whereof the stock commissioner has hereunto set his hand at the city of Houston, this nineteenth day of April, 1839, and the same is duly countersigned by the comptroller.

JOHN SMITH, Stock Commissioner.
JAMES B. SHAW, Acting Comptroller.

(Certificate No. 5216.)

No. 5216.

13. No. 5216. Consolidated Fund of Texas. $5000.

The government of Texas acknowledges to owe to Leslie Combs fifty shares of the sum of one hundred dollars each, amounting to five thousand dollars, in consolidated fund of Texas, created by the authority of an act of Congress, entitled An act to authorize the con-

solidation and funding the public debt, approved the 7th day of June, 1837, redeemable at convenience of government at any time after the first day of September, one thousand eight hundred and forty-two, and bearing an interest at the rate of ten per centum from the first day of March, 1839, payable on the first day of September next, and semi-annually thereafter, upon the presentation of this certificate and the corresponding dividend warrant thereto attached. For the payment and redemption of the stock the public faith is hereby pledged, and so much of the revenue arising from imposts and direct taxation as may be necessary is appropriated, and hereby set apart for the interest. This certificate is transferable by the said Leslie Combs, his legal authority or representative, on the books of the stock commissioner only.

In testimony whereof the stock commissioner has hereunto set his hand at the city of Houston, this nineteenth day of April, 18 , and the same is duly countersigned by the comptroller.

JACKSON SMITH, Stock Commissioner.
JAMES B. SHAW, Act'g Comptroller.

(Certificate No. 6235.)

No. 6235.

14. No. 6235. Consolidated Fund of Texas. $1000.

The government of Texas acknowledges to owe to Leslie Combs ten shares of the sum of one hundred dollars each, amounting to one thousand dollars, in the consolidated fund of Texas, created by the authority of an act of Congress, entitled An act to authorize the consolidation and funding the public debt, approved the 7th day of June, 1837, redeemable at the convenience of the government at any time after the first day of September, one thousand eight hundred and forty-two, and bearing an interest at the rate of ten per centum per annum from the first day of September, 1841, payable on the first day of March next, and semi-annually thereafter, upon the presentation of this certificate. For the payment and redemption of this stock the public faith is hereby pledged, and so much of the revenue arising from imposts and direct taxation as may be necessary is appropriated, and hereby set apart for the payment of the interest. This certificate is transferable by the said Leslie Combs, or his legal attorney or representative, on the books of the stock commissioner only.

J. W. SCOTT,
Act'g Comptroller and Stock Commissioner.

Austin, Jan'y 29, 1842.

(Certificate No. 6237.)

No. 6237.

15. No. 6237. Consolidated Fund of Texas. $1,000.

The government of Texas acknowledge to owe to Leslie Combs ten shares, of the sum of one hundred dollars each, amounting to one thousand dollars, in the consolidated fund of Texas, created by the

authority of an act of Congress entitled An act to authorize the consolidation and funding the public debt, approved the 7th day of June, 1837, redeemable at the convenience of the government, at any time after the first day of September, one thousand eight hundred and forty-two, and bearing an interest at the rate of ten per centum per annum, from the first day of September, 1841, payable on the first day of March next, and semi-annually thereafter, upon the presentation of this certificate. For the payment and redemption of this stock the public faith is hereby pledged, and so much of the revenue arising from imposts and direct taxation as may be necessary is appropriated and hereby set apart for the payment of the interest. This certificate is transferable by the said Leslie Combs, or his legal attorney or representation, on the books of the stock commissoner only.

J. W. SCOTT,
Act'g Comptroller and Stock Commissioner.

Austin, Jan'y 29th, 1842.

(Certificate No. 6238.)

No. 6, 6238.

No. 6238. Consolidated Funds of Texas. $1,000.

The government of Texas acknowledge to owe to Leslie Combs ten shares, of the sum of one hundred dollars each, amounting to one thousand dollars, in the consolidated fund of Texas, created by the authority of an act of Congress, entitled An act to authorize the consolidation and funding the public debt, approved the seventh day of June, 1837, redeemable at the convenience of the government, at any time after the first day of September, one thousand eight hundred and forty-two, and bearing an interest at the rate of ten per centum per annum, from the first day of September, 1841, payable on the first day of March next, and semi-annually thereafter, upon the presentations of the certificate. For the payment and redemption of this stock, the public faith is hereby pledged, and so much of the revenue arising from imposts and direct taxations, as may be necessary, is appropriated and hereby set apart for the payment of the interest. This certificate is transferable by the said Leslie Combs, or his legal attorney or representative, on the books of the stock commissioner only.

J. W. SCOTT,
Act'g Comptroller and Stock Commissioner.

Austin, Jan. 29, 1842.

(Rec. CXXXVI., D. T., 1857.)—3.

(Certificate No. 6230.)

No. 6230.

17. No. 6230. Consolidated Fund of Texas. $1,000.

The government of Texas acknowledge to owe to Leslie Combs ten shares, of the sum of one hundred dollars each, amounting to one thousand dollars, in the consolidated fund of Texas, created by the

authority of an act of Congress, entitled An act to authorize the consolidation and funding the public debt, approved the 7th day of June, 1847, redeemable at the convenience of the government at any time after the first day of September, one thousand eight hundred and forty-two, and bearing an interest at the rate of ten per centum per annum, from the first day of September, 1841, payable on the 1st day of March next, and semi-annually thereafter, upon the presentation of this certificate. For the payment and redemption of this stock the public faith is hereby pledged; and so much of the revenue arising from imposts and direct taxation as may be necessary is appropriated and hereby set apart for the payment of the interest.

This certificate is transferable by the said Leslie Combs, or his legal attorney or representative, on the books of the stock commissioner only.

A. W. SCOTT,
Acting Comptroller and Stock Commissioner.

Austin, January 29th, 1842.

(Certificate No. 6231.)

No. 6231.

18. No. 6231. Consolidated Fund of Texas. $1,000.

The government of Texas acknowledge to owe Leslie Combs ten shares, of the sum of one hundred dollars each, amounting to one thousand dollars, in the consolidated fund of Texas, created by the authority of an act of Congress, entitled, *And* act to authorize the consolidation and funding the public debt, approved the 9th day of June, 1837, redeemable at the convenience of the government at any time after the first day of September, one thousand eight hundred and forty-two, and bearing *and* interest at the rate of ten per centum per annum, from the first day of March, 1841, payable at the first day of March next, and semi-annually thereafter upon the presentation of this certificate. For the payment and redemption of this stock the public faith is hereby pledged, and so much of the revenue arising from imposts and direct taxation as may be necessary is appropriated and hereby set apart for the payment of the interest.

This certificate is transferable by the said Leslie Combs, or his legal attorney or representative, on the books of the stock commissioner only.

A. W. SCOTT,
Acting Comptroller and Stock Commissioner.

(Certificate No. 6229.)

No. 6229.

19. No. 6229. Consolidated Fund of Texas. $1,000.

The government of Texas acknowledged to owe to Leslie Combs ten shares, of the sum of one hundred dollars each, amounting to one thousand dollars, in the consolidated fund of Texas, created by the authority of an act of Congress, entitled, An act to authorize the consolidation and funding the public debt, approved the 7th day

of June, 1837, redeemable at the convenience of the government, at any time after the first day of September, one thousand eight hundred and forty-two, and bearing an interest at the rate of ten per centum per annum, from the first day of September, 1841, payable on the first day of March next, and semi-annually thereafter, upon the presentation of this certificate. For the payment and redemption of this stock the public faith is hereby pledged; and so much of the revenue arising from imposts and direct taxation as may be necessary is appropriated, and hereby set apart for the payment of the interest.

This certificate is transferable by the said Leslie Combs, or his legal attorney or representative, on the books of the stock commissioner only.

J. W. SCOTT,
Act'g Comptroller and Stock Commissioner.

Austin, January 29, 1842.

(Certificate No. 6232.)

No. 6232.

No. 6232. Consolidated Fund of Texas. $1,000.

The government of Texas acknowledge to owe to Leslie Combs ten shares, of the sum of one hundred dollars each, amounting to one thousand dollars, in the consolidated fund of Texas, created by the authority of an act of Congress, entitled, An act to authorize the consolidation and funding the public debt, approved the 7th day of June, 1837, redeemable at the convenience of the government, at any time after the first day of September, one thousand eight hundred and forty-two, and bearing an interest at the rate of ten per centum per annum, from the first day of September, 1841, payable on the first day of March next, and semi-annually thereafter, upon the presentation of this certificate. For the payment and redemption of this stock the public faith is hereby pledged; and so much of the revenue arising from imposts and direct taxation as may be necessary is appropriated, and hereby set apart for the payment of the interest.

This certificate is transferable by the said Leslie Combs, or his legal attorney or representative, on the books of the stock commissioner only.

J. W. SCOTT,
Act'g Comptroller and Stock Commissioner.

Austin, January 29, 1842.

(Certificate No. 6233.)

No. 6233.

No. 6233. Consolidated Fund of Texas. $1,000.

The government of Texas acknowledge to owe to Leslie Combs ten shares, of the sum of one hundred dollars each, amounting to one thousand dollars, in the consolidated fund of Texas, created by the authority of an act of Congress, entitled, An act to authorize

the consolidation and funding the public debt, approved the 7th day of June, 1837, redeemable at the convenience of the government, at any time after the first day of September, one thousand eight hundred and forty-two, and bearing an interest at the rate of ten per centum per annum, from the first day of September, 1841, payable on the first of March next, and semi-annually thereafter, upon the presentation of this certificate. For the payment and redemption of this stock the public faith is hereby pledged; and so much of the revenue arising from imposts and direct taxation as may be necessary is appropriated, and hereby set apart for the payment of the interest.

This certificate is transferable by the said Leslie Combs, or his legal attorney or representative, on the books of the stock commissioners only.

J. W. SCOTT,
Act'g Comptroller and Stock Commissioner.

Austin, Jan'y 29, 1842.

(Certificate No. 6236.)

No. 6236.

No. 6236. Consolidated Fund of Texas. $1,000.

The government of Texas acknowledge to owe to Leslie Combs ten shares, of the sum of one hundred dollars each, amounting to one thousand dollars, in the consolidated fund of Texas, created by the authority of an act of Congress, entitled, An act to authorize the consolidation and funding the public debt, approved the 7th day of June, 1837, redeemable at the convenience of the government, at any time after the first day of September, one thousand eight hundred and forty-two, and bearing an interest at the rate of ten per centum per annum, from the first day of September, 1841, payable on the first day of March next, and semi-annually thereafter, upon the presentation of this certificate. For the payment and redemption of this stock the public faith is hereby pledged; and so much of the revenue arising from imposts and direct taxation as may be necessary is appropriated, and hereby set apart for the payment of the interest.

This certificate is transferable by the said Leslie Combs, or his legal attorney or representative, on the books of the stock company commissioners only.

J. W. SCOTT,
Act'g Comptroller and Stock Commissioner.

Austin, Jan'y 29, 1842.

(Certificate No. 6234.)

No. 6,234.

No. 6,234. Consolidated Fund of Texas. $1,000.

The government of Texas acknowledge to owe to Leslie Combs ten shares, of the sum of one hundred dollars each, amounting to one thousand dollars, in the consolidated fund of Texas, created by an

authority of an act of Congress entitled "An act to authorize consolidated and funding public debt," approved 7th day of June, 1837, redeemable at the convenience of the government at any time after the first day of September, one thousand eight hundred and forty-two, and bearing an interest at the rate of ten per centum per annum, from the first day of September, 1841, payable on the first day of March next, and semi-annually thereafter, upon presentation of the certificate. For the payment and redemption of this stock the public faith is hereby pledged, and so much of the revenue arising from imposts and direct taxation as may be necessary is appropriated and hereby set apart for the payment of the interest. This certificate is transferable by the said Leslie Combs, or his legal attorney or representative, on the books of the stock commissioner only.

J. W. SCOTT,
Acting Comptroller and Stock Commissioner.

Austin, Jan'y 25th, 1842.

(Exhibit F.)

Exhibit F.

Exhibit or letter F.

Galveston, May 22, 1842.

Dear Combs: Your letter from Philadelphia was received by the last boat. I am sorry to learn the execution has been issued, and likely to fall upon the securities of Judge Eve, and enough to ruin two plain farmers, with moderate means only, in their old age. I wrote to you why the endorsement of Mr. Burnly was not given. I had no right to ask him, and because it formed no part of the understanding. I urged Judge Eve to make the arrangement, because I felt every disposition to serve you, and did not believe it would materially injure him. I would have paid the money in March if the contract in London had been complied with as stipulated, as well on your as Judge Eve's account. I knew that more than half the money would certainly be paid when the bill fell due; and you suggested if it all could not, it could be arranged by another bill for the balance. I have no doubt now that every cent will be paid to the day since the reception of your letters. Burnly mentioned to me that he had told you he would endorse the bill. If I had known it at the time the bill arrived, I should have procured his endorsement, although I knew he would endorse it; still, at that time his own affairs were giving him trouble, and he owed me the amount; still, I did not wish to involve him, even by possibility, in our affairs, in which he had no interest. You will receive the letter of Judge Eve, who writes also to Dr. Richardson. I hope, indeed I am confident, under all the circumstances, that the execution will not be passed. The Dr. I know has no disposition to injure the Judge. They have been old friends. I know also that is far from your intention. I am willing to do anything to assist or relieve either of you, and I

have an abiding hope that both of your proud spirits will rise above your present distress, and will once more be afloat.

Very sincerely your friend,
JAMES LOVE.

(Exhibit G.)
Exhibit G.
Exhibit or letter G.

Galveston, July 4, 1842.

Dear General: You will receive from Judge Eve by this mail the note, or rather bill, prepared as you wish it, with the exception of Burnly's endorsement; he had left before your letter arrived. I have written to him to endorse, which was arranged with him before he left. Forward the bill to him should he have left Kentucky before this reaches you, for his endorsement. All the stock I have is of the same sort as yours; all purchased at the same time and then distributed. The six thousand dollars has not been transferred on the books; and as you wish it I will if I can, see the person who holds it, get it back and give him other stock.

The Galveston stock I have. It is necessary I should retain it in my own name, that I may control the action of this company, having barely a majority of the votes, the object of which is to make it valuable, or rather prevent any unfair disposition of property or effects. You may consider this an obligation to convey you two shares, to be as a set-off against the note you hold. I believe that was the price you proposed, $250 the share. You need not regret that you cannot come to make war for us. The present executive never intended to have any, will have none, or do anything else, unless he is forced by circumstances. No country struggling as we are for existence was ever cursed with such miserable dotard and lunatic, nor one so little suited to the times. I beg your pardon; I believe you are pretty much in the same fix. You will have seen Burnly, who can give you all the particulars.

Your friend,
JAMES LOVE.

(Exhibit C.)
Exhibit C.
Exhibit letter C.

Galveston, Sept. 21, 1840.

My dear Sir: I am to-day in receipt of yours 5th August. The delay in correspondence for the last two months is attributable to the discontinuance of the steam-packet until the 1st of October, when they will again resume their regular trips. I think with you, that the result of the negotiation for the loan is more than doubtful, but still it is not so improbable as to produce despair. I have acted in this matter throughout with an eye to your interest, founded upon

the feelings of old friendship, and should exceedingly regret that you should lose by it, or even suffer inconvenience. I have been thinking a good deal about it, and have come to the conclusion that you had better permit me to invest the surplus over $50,000 in real estate here. I can do so in a manner that, let the matter eventuate as it may, that the property secured by the surplus would be worth more than the original investment. If you wish it done, give me discretion, and give me time. The fears I now entertain is, if aid is not received from some quarter, the debt incurred will be so large as to require long time to pay it; and as a consequence of non-payment of interest, the bonds will be so much depreciated as to become valueless. Do not suppose from this remark, that there is has been a disposition to violate the public faith. On the contrary, every disposition prevails to redeem it. The only candidate for Congress that I have heard of, that avowed a disposition to do it, was beaten 200 votes. You will have heard the Mexican news; they are warring it gloriously with each other; on our side the Rio del Norte there is 1,500 federalists embodied; they are for a march on Matamoras. The government here is not interfering in this matter, although the citizens are giving aid, and there is 400 Americans in the army; they are already in possession of Laredo and Meire, about 60 miles above Matamoras. You have heard of the daring foray of the Camanches; they came down to Matagorda Bay in force about 400. It was a sudden dash; they were within 15 miles of the mountains with 400 mules loaded with plunder, when they were intercepted, beaten, many of them killed, with the loss of all their horses and everything. A force is concentrating now to go into their country. They will not trouble us much more. They are a bold race, but have no place to hide; it is a war of extermination. So be it, we have had perfect health on the island; none of my family have been sick. We took 513 votes and beat the Locos easily; they are a doomed race. I have made some bets, but none for you. If I can get such as you propose, I will write you. I won $200 that I could name the county that would give the least vote for Van Buren in Kentucky, and have won it. I have bet $1,000 to $5,000 that Van will not get 100 electoral votes. I have bet $2,000 on New York, and $1,000 on Tennessee, and some other smaller debts. I wish I had room to write you more.

JAMES LOVE.

Exhibit E.

Exhibit or letter E.

Galveston, Feb'y 17th, 1842.

Dear General: I reached home yesterday, and the thousand things constantly occupying my time and attention, and the thousand persons constantly at my elbow, makes it impossible for me to write to you as fully as I could wish. By the return of the New

York, if I do not come, I will write fully in relation to matters of business, and send your stock. Judge Eve is sick this morning, and it is enough to say, that whatever he wishes done I will do, and he expresses the greatest wish to have it settled satisfactorily to you. If B. comes to N. Y. I will go over; if not, I cannot leave until his arrival.

Houston will not co-operate in anything calculated on an attack of Mexico by land or sea. He is for himself and against the world. In the Senate and H. R., on the same day, and by concert, resolutions were offered making him dictator—in effect to give him power to raise men and money at will, and take command. They passed the Senate 12—2; rejected in the House, 29—7. He has treated Hamilton in the most disgraceful manner; not personally, but in his acts. He is recalled, and a little abortion of humanity, a printer, a Canadian, is appointed to exchange ratifications. There is much opposition daily being developed against him; and if things get much worse and he is stubborn, down he will come with a heavy fall. The dander of Johnston is up; a strong feeling is arising to make him President, and I think we will have no trouble about it. The Navy is recalled, and not a single step is taken to organize for resistance, or have the militia in readiness. Nothing done except what the crazy imagination of an opium-eater dreams of. I am happy to learn my friend Frank is out of danger. I should like to see him; tell the boys in Lexington of his being sent for in a dictator's carriage. I hope he is in N. O. by this time; if so, tell him we all felt much interest for him, and I would like to see him.

Very respectfully, yours,

JAMES LOVE.

(Exhibit H.)

Exhibit H.

Exhibit Letter H.

Galveston, Feb'ry 10th, 1844.

General Leslie Combs:—

Dear Sir: Your favor of the 6th Dec. last has been received to-day. Mr. Smith has not made himself known; and I am led to suppose that it was delayed in his hands and forwarded by some others. The stock which I so unfortunately permitted to go out of my hands has not as yet been presented for transfer; and I have not, of course, been able to get the identical stock for you. I have engaged the services of a friend in the U. S. to trace it up. I believe it is in N. O., and if so, I shall soon be able to effect an exchange and have it delivered as you request. In relation to the other matters, I explained to you at the time why I could not, consistently with my own interests, transfer Galveston city stock. The reason was and is, that I retain the bare majority that votes; and I was not willing that the control of affairs heretofore honestly and well managed should be given to other hands who might not be equally

honest; when I said this, I did not think you should have pressed for the stock until I might have my own interests safe. I have made no transfer to my English friends whatever. You may wish to imply by the term "safe-keeping," that I had no authority to sell your stock; if so, you are mistaken. I not only have your letters but a power of attorney to do so. Waiving this, however, it was a matter I could scarcely expected professing to be a friend could take the least exception to. It was no more than if a gentleman handed you in Louisville $500 to deliver in Lexington, and you used the money, and you gave a check on the bank. The stock offered you is identically of the same class, bought and funded at the same time. It always pains me to have any kind of altercation or misunderstanding with an old friend. If I know myself, I felt no less interest for you than myself; and if matters had transpired as I had a right to expect, it was my intention to have assisted in extricating you; and nothing would give me more pleasure than to see you prosperous, rich, and happy. Whenever the time arrives that I can, consistently with the great interest I hold in Galveston, let you have stock, it shall be done, if you prefer it. You first did me injustice by distrust, originating I know not how; and even if my affairs been in a ruinous condition, you might have had the charity to suppose that I would not have added to your losses in Texas. The public rumor of my failure proceeded alone for the want of a less sum than a single crop could bring; and for two successive years a crop will have paid all I owe. I have never contradicted this rumor, because it would do me no good, and when the public once takes up a notion of that sort, it is never corrected until the last debtor is paid. I am not changed in any particular; and you will know after while that I still hold and practise the doctrine of honesty, &c. Now, although you subscribe yourself my O. H. S., I am still induced to use the old signature. Your friend, JAMES LOVE.

Exhibit D.

Exhibit D.

Dear Sir: I owe you an apology for the apparent neglect, or not sooner replying to your letter of the 2d inst., and which by some oversight never came to my notice until last evening when clearing up my table.

As regards the Texas bonds to which you allude, I have only to observe that I have not, and never had, any pecuniary or other interest in said bonds, and that neither of them are in my possession or under my control; but I presume the party in New Orleans to whom they belong will have no objection to testing amicably any rights which Gen. Combs may think he possesses respecting them.

Respectfully, your obe't sev't,

WILLIAM L. HODGE.

Washington, 2 March, 1853.

J. H. BRADLEY, Esq., Washington.

(Act of Legislature of Texas.)
Exhibit 4.
An act for the relief of Leslie Combs.

Section 1. Be it enacted by the Legislature of the State of Texas, That Leslie Combs be and he is hereby authorized to present his claim against the late Republic of Texas (not to exceed one hundred and thirty-seven thousand two hundred and forty-six dollars and sixty-six cents, $137,246.66, principal and interest) to the auditorial board for adjustment, and the auditor and comptroller shall proceed to scale and audit the same as other like claims, confining themselves to the provisions of an act to provide for the ascertaining the liabilities of the late Republic of Texas, approved March 20th, 1848; and the claim of the said Combs as scaled and audited, shall be and is hereby placed in the same condition as other first class claims, as provided in an act providing for the liquidation and payment of the debt of the late Republic of Texas, approved January 31st, 1852, and the same shall be paid under and in accordance with the provisions of the second section of said last recited act.

Section. 2. This act to take effect from and after its passage.

Approved February 13th, 1854.

I, Edward Clark, Secretary of State of the State of Texas, hereby certify the foregoing to be a true copy of the original act now on file in the State Department. Given under my hand and the seal of the Department of State, at the city of Austin, this 8th day of June, A. D. 1854.

EDWARD CLARK,
Secretary of State.

(Order of Injunction.)
Order of Injunction.

On the back of said bill was the following endorsement:—

Upon the complainant's filing an injunction bond to the defendants in the sum of $1000, with surety to be approved by the court or one of its judges, conditioned to prosecute his writ with effect, and to answer all damages and costs which the defendants or either of them may sustain by granting this injunction, in case it be dissolved, let the writ of injunction issue as prayed.

April 16th, 1856. By order of the Court.

And the complainant filed the following injunction bond:—

(Injunction Bond.)
Injunction Bond.

Know all men by these presents, that we, Leslie Combs, of Fayette County and State of Kentucky, and Henry B. Tyler, of Washington County, in the District of Columbia, are held and firmly bound to

James Love, Andrew Hodge and William L. Hodge, and every of them, in the full and just sum of one thousand dollars, to be paid to the said James Love, Andrew Hodge and William L. Hodge, and every of them, their and every of their attorney and attorneys, executors, administrators and assigns, to which payment well and truly to be made and done, we do hereby bind ourselves and each of us, our and every of our heirs, executors and administrators, jointly and severally firmly by these Sealed with our seals, and dated this thirtieth day of May, eighteen hundred and fifty-six. Whereas, the above bounden Leslie Combs hath filed his bill in the Circuit Court of the District of Columbia, for the County of Washington, against the said James Love, Andrew Hodge and William L. Hodge, praying an injunction to restrain the said Andrew Hodge and William L. Hodge and all other persons claiming in any way from receiving any money at the treasury of the United States or elsewhere, for or on account of said bonds or certificates of stock in said bill mentioned, and the said court hath ordered the same to be issued. Now the condition of the above obligation is such, that if the said Leslie Combs shall well and truly prosecute his said suit with effect, and shall answer all damages and costs which the defendants or either of them may sustain by the granting of the said injunction in case it be dissolved, then the said obligation to be void, otherwise to remain in full force and virtue in law.

LESLIE COMBS, [SEAL.]
H. B. TYLER. [SEAL.]

I know the security in this bond, Capt. H. B. Tyler, and that he has real estate in this city worth more than ten times the penalty of the bond.

Approved by the court. JOSEPH H. BRADLEY.

(Injunction and Subpœna issued.)

(Marshal's Return.)

Subpœna and Injunction issued.

Thereupon subpœna and injunction issued as prayed, returnable at rules to be held on the first Monday of June next ensuing, at which said first Monday of June, in the year 1856, being the return day of the subpœna and injunction aforesaid, the marshal of the district to whom they were directed, makes return thereof that he had summoned the said James Love and Wm. L. Hodge, and that he had not been able to find Andrew Hodge, and that he had served the said injunction on the said William L. Hodge, and the said defendants appear in said cause by Reverdy Johnson, Esq., their solicitor, and the following agreement of counsel was filed.

(Agreement of Counsel.)

Agreement of Counsel.

Circuit Court U. States for District of Columbia.

LESLIE COMBS
vs.
HODGE and Others.

It is agreed in this case that the letters signed by James Love, one of the defendants, and filed as exhibits with the complainant's bill, dated respectively, February 7, 1840; 21 Sept. '40; 17 February, 1842; 22 May, '42, to July, 1842, and 10th Feb'y, '44, and in the handwriting of said Love, *and* were written at the said several dates. This admission is to make said letters evidence in said case, to have same effect only as if they were duly proven under a commission. It is further agreed that the certificates signed James B. Shaw, comptroller, dated Austin, January 11th, 1848, complainant's exhibit B, is an original certificate, and that said Shaw was at the time comptroller of Texas. This admission is to make the said certificate evidence only to the extent that it could be if proved under a commission. It is also agreed that the paper purporting to be a copy of an act of Texas for the relief of Leslie Combs (the complainant), and approved the 13th Feb'ry, 1854, complainant's exhibit 4, is to be taken as a true copy of said act unless it shall be made to appear by the public statutes of the said State that it is erroneous, in which case the statute as so published is to be received in evidence of said case.

JOSEPH H. BRADLEY,
Solicitor for Compl't.

REVERDY JOHNSON,
Solicitor for W. L. & Andrew Hodge.

Washington City, 5th June, 1856.

(Cause Continued.)

Cause Continued.

And said cause was regularly continued with the consent of the said parties by their said solicitors, until the 12th February, 1857, when the following agreement of counsel and decree of the court was filed.

(Agreement of Counsel that G. W. Riggs be, &c.)

Agreement of Counsel.

LESLIE COMBS
vs.
HODGE and Others.

In Equity in the Circuit Court of the District of Columbia.

It is hereby agreed by and between the parties to the foregoing cause, acting herein by their respective solicitors in this court, that the fund enjoined and remaining in the treasury under the injunction

heretofore issued in this cause may be withdrawn from the Treasury of the United States by George W. Riggs, as receiver, and invested to bear interest, he giving bond for the return of the same, under the decree of this court hereafter to be made in the said cause.

REVERDY JOHNSON,
Sol'r for Defendants.
BRADLEY,
Sol'r for Complainants.
S. S. BAXTER,
Solicitor for.

12 Feb'y, 1857.

(Appointing G. W. Riggs Receiver.)

Order of Court.

COMBS vs. HODGES. } In Chancery.

In this cause on motion of the solicitors of the plaintiff, and by consent of the solicitor of the defendant, and in pursuance of the agreement antedated the 12th Feb'ry, 1857, it is ordered this 26th March, 1857, that George W. Riggs be appointed receiver in this cause; and when the said Riggs shall have executed a bond to the United States of America in the penalty of twelve thousand dollars condition to account for the said fund according to the future order of this court, and with security to be approved by this court or one of the judges thereof, the said George W. Riggs is authorized to draw from the treasury of the United States the sum enjoined in this cause, and invest the same to bear interest and subject to the future order of this court.

By order of the court.

Test: JNO. A. SMITH, Clerk.

(Rec. CXXXVI. D. T. 1857.)

Thereupon the said George W. Riggs filed in court the following bond, which was approved by the court:—

(Bond of Receiver.)

Know all men by these presents, that we, George W. Riggs, Jr., and Adolphus T. Kiechofer, of the city of Washington, in the District of Columbia, are held and firmly bound to the United States of America in the sum of twelve thousand dollars, for the payment whereof we severally and personally bind ourselves, our heirs, administrators, and assigns, by these presents.

In witness whereof we have hereunto set our hands and seals, at Washington, in the District of Columbia, this eleventh day of April, 1857. Now the condition of the above bond is such, that whereas the above George W. Riggs, Jr., by an order of the Circuit Court

of the District of Columbia, in the county of Washington, issued the 26th March, 1857, in the suit of Combs & Hodge et al., was authorized to withdraw from the treasury of the United States certain money pending in the said above suit, and to hold the same subject to the future order of the said court. Now if the said George W. Riggs, Jr., shall hereafter well and truly pay over said money under such future order of the court, together with interest thereon at the rate of five per cent. per annum from the time of receiving said money until it is thus paid over, then the above bond is to be null and void, but otherwise to remain in full force and virtue.

GEORGE W. RIGGS, [SEAL.]
A. T. KIECKHOFER. [SEAL.]

Sealed and delivered in the presence of—
W. BESTOR,
CHAS. H. JAMES.

Approved by the court.

We agree to and approve this bond and the rate of interest stipulated therein. JAS. H. BRADLEY, Sol'r for Compl't.
WM. L. HODGE,
For self and the administrator.

(Cause continued and Adm'r suggested.)

Cause continued.

And said cause was regularly continued until the nineteenth of May, 1857, when Andrew Hodge's death was suggested, and J. Ledyear Hodge, his administrator, appears by Reverdy Johnson, Esq., his solicitor, and files in court the following answer:—

(Answer of J. L. Hodge, Adm'r.)

Answer of J. L. Hodge, Administrator.

The answer of J. L. Hodge, administrator with the will annexed of Andrew Hodge, late of the State of Louisiana, deceased, and one of the original defendants in the bill of complaint of Leslie Combs.

This respondent, saving the benefit of any errors or informalities in said bill, answering says, that he is the administrator with the will annexed of the said Andrew Hodge, and as duly qualified as such, as will appear by a copy of his letters of administration herewith exhibited, marked A, and prayed to be considered as a part of this answer.

Your respondent states that he has been informed and believes, and therefore avers, that the bonds referred to in said bill were for value, and without any notice on the part of this said testator of any defect of title in the same or of want of authority to sell the same, were transferred by a certain James Love in the bill named, to said testator, he, the said Love, then having a power of attorney for the purpose from the complainant, and possession of the said bonds with the blank endorsement of the complainant. For the facts relating

to said sale and purchase and those accruing afterwards, as defendant has no personal knowledge, he refers to the answer of the defendant, H. L. Hodge, and makes it a part of his answer, and prays to be dismissed from the complainant's bill, and that a decree may be had, and adjudging said *said* bonds and the amount due on acc't thereof in the treasury of the U. States to be the property of this respondent as administrator aforesaid of said Andrew Hodge.

REVERDY JOHNSON, Sol'r for Respondent.

And the said Wm. L. Hodge, by his solicitor aforesaid, files in court here his answer, to wit:—

(Ans. of W. L. Hodge.)

Answer of W. L. Hodge.

The answer of William L. Hodge, of the city of Washington, to the bill of complaint of Leslie Combs filed against him and Andrew Hodge in this court, respectfully sets forth: That, reserving to himself the advantage of the errors and informalities in said bill contained, and answering says that he, this respondent, has not and never had any interest in the Texas bonds referred to in the bill, but that the same to his knowledge were duly transferred by James Love, the person named in the bill, of the aforesaid Andrew Hodge, fairly and for full value and with a full conviction and belief on the part of said Andrew that Love had the clear right and authority to make such transfer, derived from the complainant backed by a power of attorney, and by giving said Love possession of the same for the purposes of negotiating them, with his, the complainant's, blank endorsement thereupon. This respondent was at the time residing in N. Orleans; that after Andrew Hodge thus became the owner of said bonds, they remained in possession of respondent and in account of said Andrew, who was his brother, and whose business in New Orleans and in relation to these bonds was attended to by respondent for Andrew; the said respondent, for his brother, sold the same to a certain Jacob Barker of said city, and received the purchase money. That afterwards the said Barker, hearing that the complainant set up a title to the bonds, he proposed to respondent to return them to him and receive back the purchase money, which this respondent refused. Barker, having no knowledge that respondent was acting as the agent of his said brother, then brought suit against respondent, and obtained judgment for the amount he claimed, which was afterwards paid by said Andrew. This respondent at the time when Barker proposed cancelling the said sale, respondent advised him to send the bonds of Texas to have them transferred on the books of the Treasury to him, Barker, and showed him a letter from Love saying that he, Love, held a power of attorney from complainant to make the transfer, and that if the bonds were sent to him in Texas where he then was he would make the same; but Barker stated the cause he said to be as above. The

relations existing between respondent and said Andrew at this time were such that he did not deem necessary to defend the suit of Barker on the ground that he had been but an agent in the transaction, Andrew being the principal and exclusive owner of said bonds, and having received the money paid by Barker from respondent, he, respondent, well knowing that if he was compelled to account to Barker for the latter, his said brother would give him the said money as was due, and said bonds returned by Barker and given by respondent or held by him for and on account of his said brother, to whom the same ever after exclusively belonged to the period of his death, in July, eighteen hundred and fifty-six (1856). That said bonds now are the property of his estate to be disposed of with his other estate by the will which he left, and which has been admitted to probate, and in this district, and letters testamentary with the will annexed *has* been duly granted to J. Ledyear Hodge, a resident of Pennsylvania; and that under the said will respondent has no interest in the estate left by said Andrew, he having devised the same to other parties.

REVERDY JOHNSON, Sol'r for Respondent.

Washington City.

Sworn to in open court by W. L. Hodge.

Test: JNO. A. SMITH, Clerk.

(Replication.)

Replication.

Thereupon the said complainant, by Joseph H. Bradley, Esquire, his solicitor, says that, saving to himself all and all manner of exceptions, &c., for replication to the answers of said defendants, saith that he does and will aver, maintain, and prove his said bill to be true and sufficient in the law to be answered unto by said defendants, and that the answers are very uncertain, evasive, and insufficient in the law to be replied unto by the repliants, without that, &c.

(Cause set for Hearing.)

Cause set for Hearing.

Whereupon with the consent of the parties aforesaid by their solicitors aforesaid, and by order of the court had thereon, the said cause was set for hearing on the bill, answers, exhibits, agreements, and general replication, and the said cause coming on to be heard, and the whole having been seen, heard, and read by the court, and the parties by their solicitors being heard and the matter fully understood, the court after mature deliberation made the following decree in the premises, to wit:—

(Decree dismissing Bill.)

Decree of Court.

Circuit Court of the District of Columbia.

COMBS
vs.
W. L. HODGE and al.

This case being ready for final hearing, and the same having been argued by the solicitors of the respective parties, and since fully considered, it appearing to the court that there is no ground upon which the complainant is to be held entitled to the bond in controversy, but that the same should be paid to the respondent, John L. Hodge, administrator under the will annexed of the original defendant, Andrew Hodge, it is by this court and the authority thereof, on this 30th day of May, in the year 1857, adjudged, ordered, and decreed that the bill of the complainant be and the same is hereby dismissed, and the injunction heretofore issued, be and the same is hereby dissolved. It is further adjudged and decreed that the complainant pay all the costs.

By order of the court.

Test, JNO. A. SMITH, Cl'k.

(Appeal prayed to S. Court.)

Appeal prayed and granted.

Thereupon the complainant, by his solicitors aforesaid, prays an appeal from the judgment aforesaid, so as aforesaid rendered to the Supreme Court of the United States, and it is granted him.

And the record of said cause was made out and sent to said Supreme Court accordingly, and whereas afterwards, to wit, on the 27th day of February, in the year one thousand eight hundred and sixty, being the January term of said year, the said Leslie Combs by Joseph H. Bradley, Esquire, his attorney, filed in court here the mandate of the Supreme Court in the words and figures following, to wit:—

No. 37, December Term, 1859. Mandate.

Supreme Court United States. United States of America, *ss.*

(Mandate).

The President of the United States of America, to the Honorable the Judges of the Circuit Court of the United States, for the District of Columbia greeting:—

Whereas, lately, in the Circuit Court of the United States, for the District of Columbia, before you or some of you, in a cause between Leslie Combs, complainant, and John L. Hodge, administrator of Andrew Hodge, dec'd, William L. Hodge, and James Love,

respondents in chancery, the decree of said Circuit Court was in the following words, viz:—

"It appearing to the court that there is no ground upon which the complainant is to be held entitled to the bond in controversy, but that the same should be paid to the respondent, John L. Hodge, administrator under the will annexed of the original defendant, Andrew Hodge; it is by this court and the authority thereof, on this 30th day of May, in the year 1857, adjudged, ordered, and decreed, that the bill of the complainant be, and the same is hereby dismissed, and the injunction heretofore issued be, and the same is hereby dissolved. It is further adjudged and decreed that the complainant pay all the costs, as by the inspection of the transcript of the record of the said Circuit Court, which was brought into the Supreme Court of the United States, by virtue of an appeal agreeably to the act of Congress in such case made and provided, fully and at large appears. And, whereas in the present term of December, in the year of our Lord one thousand eight hundred and fifty-eight, the said cause came on to be heard before the said Supreme Court, on the said transcript of the record, and was argued by counsel; on consideration whereof, it is now here ordered, adjudged, and decreed, by this court, that the decree of the said Circuit Court in this cause be and the same is hereby reversed with costs, and that the said complainant, Leslie Combs, recover against the said respondents ninety-six dollars and fifty-one cents for his costs herein expended, and have execution therefor. And it is further ordered that this cause be and the same is hereby remanded to the said Circuit Court for further proceedings to be had therein in conformity to the opinion of this court, and as to law and justice shall appertain.

Feb. 3d.

You, therefore, are hereby commanded that the execution and further proceedings be had in said cause, in conformity to the opinion and decree of this court as according to right and justice, and the laws of the United States, ought to be had, the said appeal notwithstanding:

Witness the Honorable Roger B. Taney, Chief Justice of said Supreme Court, the first Monday of December, in the year of our Lord one thousand eight hundred and fifty-eight.

Costs of Complainant:

Clerk, ...	$76.51
Attorney, ...	20.00
	$96.51

Taxed by WILLIAM THOS. CARROLL,
Clerk of the Supreme Court of the U. S.

And said cause, with the consent of the parties and by order of the court, was continued until the first Monday of May next.

And now, to wit, the said first Monday of May, in the year 1860, come into court here as well the said complainant by his solicitor aforesaid as the said defendants by Reverdy Johnson, Esq., their solicitor; and thereupon the said parties, by their solicitor, file in court here the following agreement and exhibits, to wit:—

Agreement of counsel to set case for hearing, and to file the exhibits by complainant of A. 1, A. 2, and A. 3.

Filed 5th June, 1860.

(Set for hearing by Agreement of Counsel.)

LESLIE COMBS vs. WM. L. HODGE and Others. } No. 1158 in Equity in the Circuit Court of the District of Columbia.

It is is agreed by and between the said parties acting herein by their respective solicitors, that this cause shall be set down, and the same is hereby set down for final hearing on the bill, answer, exhibits, proofs, general replication and the mandate of the Supreme Court; that the papers herewith filed, marked Exhibits A. 1, A. 2, and A. 3, shall be received and considered as evidence therein, without further authentication, to have the same effect as if proved and in a commission; and a decree entered by the said court at this present term.

BRADLEY & BAXTER,
Sol'rs for Compl'ts.
REVERDY JOHNSON,
Sol'r for Defendants.

Wash'n, 1 June, '60.

Leslie Combs to James Love. Copies.

(Exhibit A. No. 1.)

Letter and Power of Attorney. A. 1.

COMBS vs. LOVE.

Lexington, Oct. 30, 1839.

Extract of a letter from Leslie Combs:—

"In the mean time, draw my interest and invest it stock, till they commence paying good money for their dividends.

LESLIE COMBS.

To Col. JAMES LOVE.

I have compared the above extract with a letter in the possession of Col. Jas. Love, and find it a correct transcript.

The Stock Com. will regard it as a sufficient power of attorney.

JAMES H. STARR,
Sec'y of Treas'y.

Treas'y Dept.
Austin, Dec. 16, 1839.

I, Leslie Combs, do hereby constitute and appoint James Love, of Texas, my general and special agent to do and transact all manner of business in which I may be interested there, hereby ratifying and confirming the acts of my agent as fully as if done by myself.

Witness my hand and seal, the 13th day of February, 1840.

LESLIE COMBS. [SEAL.]

Witness:

WILLIAM CHRISTY, Not'y Pub.

I, James Love, of the city of Galveston, do hereby authorize and empower Dr. Anson Jones to draw from the treasury of the Republic of Texas all the interest due me on the funded debt in my name; and I also substituted him as my attorney for and in behalf of Leslie Combs, Hart Labbath & Co., and Ch. W. Poultney, to draw all the interest due them on stock founded and standing in their names—hereby ratifying all my said attorney may do in the premises.

Given under my hand and seal, the 21st day of October, 1840.

JAMES LOVE. [SEAL.]

Witness:

JNO. G. TOD.

Comptroller's Office,
Austin, Texas, Dec'r 13th, 1859.

I certify that the above and foregoing is a true and correct copy of the originals on file in this office.

In testimony whereof I hereunto set my hand and seal—date as above written.

GEORGE J. DURHAM,
Ch'f Cl'k and Act'g Compt.

(Exhibit A. No. 2.)

Exhibit A. 2.

COMBS. vs. HODGE

My bonds bearing interest from 1st September, 1841, are numbered as follows:—

Each for one thousand dollars, viz., 6229, 6230, 6231, 6232, 6233, 6234, 6235, 6236, 6237, 6238. Total $10,000—ten in all.

My bonds bearing interest from March 1st, 1839, now in my possession, are numbered as follows, viz.:—

1 2 3 4 5 6 7 8 9
5215, 5216, 5217, 5218, × 5220, 5221, 5222, 5223, 5224, ××
10 11 12 13
5227, 5227, 5228, × 5229. The nine 1st named, viz: 1, 2, 3, 4, 5, 6, 7, 8, and 9, for $5,000 each. Total $45,000, and the last named for $5,000—No. 13. The three intermediate numbers, viz: 10, 11 and 12 for $1,000 each. The whole amounting to $53,000.

My bonds, not in my possession, but *never transferred by me nor authorized to be transferred by me to any one and still my property*, are, as I believe, No. 5219, for $5000, and Numbers 5225, 5226, and 5230, one for $1000 and the other two for one hundred dollars each. The books of the treasury at Austin will show: two of these for $100 each are in the hands of Col. James Love, of Galveston, and he has promised to send them to me, and two have been disposed of by him for his own use and not mine—one for $5000 and one for $1000; and which he has been repeatedly promising me for the last 12 years to get back and restore to me, but he has not done so. The whole amount due to me by the late republic of Texas being $69,200, besides interest. All these bonds issued to me in my own name, and could only be legally transferred, *as appears on their face*, by myself or my regularly constituted attorney in fact, on the books of treasury at the seat of government of Texas.

LESLIE COMBS.

The within instrument subscribed and sworn to before me this 7th day of January, A. D. 1853.

Witness my hand and seal of office at Austin.

[SEAL
Notary Public, Travis Co.]

FRANCIS T. DUFFON,
Notary Public, Travis Co.

Comptroller's Office,
Austin, December 13, '59.

I certify that the foregoing is a true copy of the original on file in this office, and that no portion of the $69,200 00 of the consolidated stock mentioned by him, has been transferred by the said Leslie Combs, or any person for him, on the books of the treasury department of the late republic of Texas, as by law required, now in custody of this office, as appears by reference thereto.

Given under my hand and seal of office the date above written.

GEORGE J. DURHAM,
Ch'f Cl'k & Act'g Comptr.

(Exhibit A, No. 3.)

COMBS vs. HODGES.

Exhibit A. 3.

I, Leslie Combs, do hereby constitute and appoint James Love, of Texas, my general and special agent to do and transact all manner of business in which I may be interested there, hereby ratifying and confirming the acts of my agent as fully as if done by myself.

Witness my hand and seal the 13th day of February, 1840.

LESLIE COMBS. [L. S.]

Witness—WM. CHRISTY, Not. Pub.

I, James Love, of the city of Galveston, do hereby authorize and empower Dr. Anson Jones to draw from the treasury of the republic

of Texas all the interest due me on the funded debt in my name, and I also substitute him as my attorney for and in behalf of Leslie Combs, Hart, Labbath & Co., and C. W. Poultenay, to draw all the interest due them on stock funded and standing in their names. Hereby ratifying all my said attorney may do in the premises.

Given under my hand and seal the 21st day of October, 1840.

JAMES LOVE. [L. S.]

Witness—JNO. G. TOD.

Extract of a letter from Leslie Combs to James Love.

"Lexington, 31st Oct., 1839.

"In the mean time draw my interest and invest it in stocks till they commence paying good money for their dividends.

"LESLIE COMBS."

I have compared the above extract with a letter in the possession of Col. James Love, and find it a correct transcript; the stock commissioner will regard it as a sufficient power of attorney.

JAMES H. STARR, Secr'y of Treas'y.

Treasury Department, Texas, Austin, Dec'r 16, 1839.

State of Texas, Comptroller's Office,
Austin, Nov'r 23, '59.

I certify that the foregoing are correct copies of the originals on file in this office, and as said originals cannot be withdrawn from this office, this copy is now given.

Given under my hand and seal of office the date above written.

CLEMENT R. JOHNS, Comptroller.

The State of Texas, Executive Department.

I, the undersigned, governor of the State aforesaid, do hereby certify that Clement R. Johns, whose name is subscribed to the instrument of writing hereto annexed, was, at the time of signing the same, comptroller of public accounts of the State of Texas, duly elected, qualified, and commissioned, and that his attestation is in due form and by the proper officer, and that full faith and credit are due his official acts as such.

In testimony whereof, I have caused the seal of the State to be hereunto affixed. Done at the city of Austin, this the 26th day of November, 1859, and in the year *of the year* of the Independence of the United States the eighty-fourth, and of Texas the twenty-fourth.

[SEAL.]

By the governor, N. R. REMEULS.

T. S. ANDERSON, Secretary of State.

And thereupon the Court made the following decree:—

(Decree of the Court to surrender the certificates to compl't.)

Decree of the Court.

LESLIE COMBS vs. WM. L. HODGES and Others. } No. 1158. In Equity in the Circuit Court of the District of Columbia.

This cause having been duly set for hearing, by consent of parties, and coming on to be heard, on the bill, answers, exhibits, replication, evidence, and mandate of the Supreme Court, and the court having fully heard, read, and considered the same.

It is by the court ordered, adjudged, and decreed, this fifth day of June, in the year eighteen hundred and sixty, that the said certificates, numbered 5219, for $5,000, and 5229, for $1,000, particularly described in said bill, are the property of the said complainant, and that they be surrendered by the defendants to the said complainants; that the deft's pay the costs of this suit, to be taxed by the clerk of this court; that the complainant, or his solicitor in this cause for him, receive from George W. Riggs, all and whatsoever sum is, or may be due on account of the said two certificates, or either of them; and that an injunction in this cause heretofore issued, be, and the same is hereby continued until the said sum and sums of money and costs are paid. By order of the Court,

Test. JNO. A. SMITH, Cl'k.

(Appeal prayed to Sup. Court U. States.)

And whereas, afterward, to wit, on the 15th day of June, in the year aforesaid, to wit, 1860, the said defendants, by their solicitor, pray an appeal from the judgment and decree aforesaid, and files in court here the following appeal bond.

(Appeal Bond.)

Appeal Bond.

Know all men by these presents, that we, William L. Hodge and John Rodgers, are held and firmly bound unto Leslie Combs in the full and just sum of twenty thousand dollars, current money of the United States, to be paid to the said Leslie Combs, his certain attorney, executors, administrators, or assigns, to which payment well and truly to be made and done, we bind ourselves, and each of us, and each of our heirs, executors, administrators, and assigns, jointly and severally, firmly by these presents, sealed with our seals, and dated this fifteenth day of June, Anno Domini eighteen hundred and sixty.

Whereas, lately, at a Circuit Court of the United States, of the District of Columbia, sitting as a Court of Equity, for Washington County, in a cause wherein said Leslie Combs was complainant, and James Love, T. Ledyore Hodge, administrator of Andrew Hodge,

and William L. Hodge, were defendants, a decree was rendered against the said defendants and in favor of said Leslie Combs; and the said defendants, having entered an appeal to the Supreme Court of the United States—now the condition of the above obligation is such, that the said defendants shall prosecute said appeal to effect and answer all damages and costs if they fail to make their plea good, then the above obligation to be null and void; otherwise, to be and remain in full force and virtue in law.

WM. L. HODGE. [SEAL.]
JOHN RODGERS. [SEAL.]

Signed, sealed, and delivered, in the presence of
JOHN G. CLARKE,
AIKEN BHOEFER.

Approved Jan. 15th, 1850.

WILLIAM M. MERRICK, A. J.

And the same being approved of, and the following citation having been issued, and the service thereof acknowledged by the defendants, and answer in the words and figures following, to wit:—

(Citation.)

District of Columbia, to wit: The United States of America, to Leslie Combs, greeting:—

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, on the first Monday of December next, pursuant to an appeal from the decree of the Circuit Court of the District of Columbia, sitting as a Court of Equity, for Washington County, in a cause wherein you were complainant, and John L. Hodge, administrator of Andrew Hodge, dec'd, William L. Hodge and James Love, were defendants, and show cause, if you can, why the said decree rendered in the premises should not be corrected, and why speedy justice should not be done to the parties in this behalf.

Witness, the Hon. Wm. M. Merrick, Ass't Judge Cir. Ct. D. C.

WM. M. MERRICK, Ass't Judge.

Issued the 15th day of June, 1860.

Service acknowledged,
BAXTER and BRADLEY, 15th June, 1860.

It is ordered that this appeal be granted, and that the record of proceedings aforesaid, with all things thereunto related, be transmitted to the said Supreme Court, which is done accordingly.

In testimony that the foregoing is a true, full, and perfect transcript of the record of proceedings in said cause, I have hereto subscribed my name, and affixed the seal of said court, this 22d day of August, in the year 1860.

[SEAL.] JNO. A. SMITH, Clerk.

Filed 28th October, 1860.